

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BEVERLY TRAN,

Plaintiff,

Civil Action No.
07-CV-13232

vs.

HON. BERNARD A. FRIEDMAN

MICHIGAN DEPARTMENT OF
HUMAN SERVICES, et al.,

Defendants.

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S DECEMBER
17, 2007, REPORT AND RECOMMENDATION AND DENYING PLAINTIFF'S
MOTION TO REMAND**

This matter is presently before the Court on Plaintiff's Motion to Remand [docket entry 38]. On December 17, 2007, Magistrate Judge Mona K. Majzoub issued a Report and Recommendation ("R&R"), in which she recommended that Plaintiff's motion be denied. On December 21, 2007, Plaintiff filed objections to Magistrate Judge Majzoub's R&R. In her objections, Plaintiff states that she "only objects to this Court maintaining jurisdiction if this Court will not allow her prayers for injunctive relief." (Pl.'s Objections at 1.)

The Court reviews *de novo* those portions of the R&R to which a specific objection has been made. *See* FED. R. CIV. P. 72(b). The Court has had an opportunity to fully review this matter. Though Plaintiff has filed objections, her objections are not relevant to the issue of whether removal was proper. The Court finds that Magistrate Judge Majzoub correctly and thoroughly

analyzed all of the issues presented, and that she reached the proper conclusions for the proper reasons. Therefore, the Court will accept and adopt the Magistrate Judge's recommendations as the findings and conclusions of the Court.

Moreover, the Court notes that Plaintiff's Motion to Remand may have had merit if it was timely filed. The removing defendants appear to have violated the "unanimity rule" by failing to obtain the consent of at least one of their co-defendants prior to filing the notice of removal. However, a violation of the unanimity rule is a nonjurisdictional defect that is waived if not objected to within the 30-day window afforded by 28 U.S.C. § 1447(c). *See, e.g., Calloway v. Boro of Glassboro Dep't of Police*, 89 F. Supp.2d 543, 549 n.13 (D.N.J. 2000). Plaintiff's Motion to Remand was filed two months too late. Accordingly,

IT IS ORDERED that Magistrate Judge Majzoub's Report and Recommendation is accepted and adopted as the findings and conclusions of the Court.

IT IS FURTHER ORDERED that Plaintiff's Motion to Remand [docket entry 38] is denied.

____s/Bernard A. Friedman ____
BERNARD A. FRIEDMAN
CHIEF UNITED STATES DISTRICT JUDGE

Dated: January 3, 2008
Detroit, Michigan

I hereby certify that a copy of the foregoing document
was served upon counsel of record by electronic and/or first-class mail.

s/Carol Mullins
Case Manager to Chief Judge Friedman